

PALM BEACH GARDENS POLICE DEPARTMENT

TRAFFIC RELATED CITATIONS

POLICY AND PROCEDURE 4.2.3.3

Effective Date : 09/26/12	Accreditation Standards: CALEA 61.1.2, 61.1.4, 82.3.4 CFA 22.02, 34.08M	Review Date: 06/01/2014
-------------------------------------	--	-----------------------------------

CONTENTS

- 1. Enforcement Incidental to Traffic Law Violations**
- 2. Citing the Violator**
- 3. Accounting for Traffic Citations**
- 4. Loss or Theft of Citations**
- 5. Voiding of Citations**
- 6. Miscellaneous Provisions**

PURPOSE: To establish guidelines for the issuing of traffic related citations.

SCOPE: This policy and procedure applies to all officers and any member authorized by the Department to issue traffic citations.

REVIEW RESPONSIBILITY: Field Operations Assistant Chief and Records Manager

POLICY: The Department utilizes citations as a form of traffic enforcement where such use may create a more long term effect on the violator and to accomplish more corrective driving behavior than a verbal or written warning. The citation forms the basis for prosecution and ultimate adjudication of traffic offenses; thus, it is essential that specific procedures be followed from the point that citations are received by the Department through ultimate adjudication and disposition of each individual citation.

PROCEDURES:

1. ENFORCEMENT INCIDENTAL TO TRAFFIC LAW VIOLATIONS

- a. Enforcement of traffic law violations should be commensurate with applicable laws:
 - i. Officers may issue citations for non-criminal traffic infractions that are punishable by monetary fines.
 - ii. Officers may issue citations for criminal violations that require a mandatory court appearance.
- b. Officers will actively enforce the Florida Safety Belt Law (FSS 316.614).
- c. Officers will actively enforce the child safety restraint requirements specified by F.S.S. 316.613.

2. CITING THE VIOLATOR:

- a. When issuing a citation to a violator for a traffic violation officers shall:
 - i. Complete all required sections of the citation.
 - ii. Have the violator sign the citation if the citation is issued for a criminal traffic violation or a traffic violation that requires a mandatory hearing and give the violator the appropriate copy.
 - iii. Provide the violator with a Palm Beach County Traffic Citation Guide and inform them of the following:
 1. A response to remedy the citation must be elected and submitted to the Palm Beach County Clerk of the Court within thirty (30) calendar days of issuance of the citation.

2. Whether or not a court appearance is required based on the infraction and, if so, the applicable date the violator must appear in court.
 3. Whether the violator may be allowed to enter a plea of not guilty, pay the fine, or elect traffic school, and how he or she may go about doing so.
 4. Amount of fine, if any.
 5. Payment options:
 - a. Pay by web
 - b. Pay in person, Clerk & Comptroller offices or designated venues (i.e. Check Cashing Store)
 - c. Pay by mail, provide mailing addresses
 6. Whether the violator must attend mandatory driver improvement school as required by Florida State Statute 322.0261.
 7. Answers to any questions the violator may have prior to his/her release.
- b. When an officer issues a moving citation to a juvenile violator who is in violation of a learners permit and is not accompanied by a licensed driver twenty one (21) years of age or older, the officer may attempt to contact the parent or guardian of the violator. At the officer's discretion, the parent/ guardian may respond to the location of the traffic stop to take custody of the violator and vehicle, or the vehicle may be towed.
 - c. When there are witnesses to the traffic violation, the officer may complete a witness subpoena list and attach it to the original citation, which will be forwarded to the courts, and later be used for violators who are subject to court subpoena.

3. ACCOUNTING FOR TRAFFIC CITATIONS:

- a. Traffic citation books shall be securely stored by and obtained from the Traffic Sergeant. Each officer will sign a receipt for citation book accounting.
- b. All completed citations issued from books will be turned in by the officers at the end of their shift to their Sergeant. Shift Sergeants will check all citations issued from books for accuracy and completeness and will forward all completed citations issued from books to the Records Section without delay.
- c. The Records Section will enter the citations into the computer database, and complete a citation transmittal form for submission of the citations to the court. The Records Section will maintain a record of the citation and transmittal form for tracking purposes.
- d. Electronic citations, prior to issuance, are stored on the Department's secure server and assigned to officers as needed; in blocks of twenty five (25) via Records Management System (RMS) software.
- e. Accounting for issuance of electronic citations is maintained within RMS. The Records Section Manager or designee will audit the issuance of electronic citations periodically to ensure the system is properly functioning.

4. LOSS OR THEFT OF CITATIONS:

- a. In the event a citation or citation book is lost or stolen, the officer to whom it was issued shall submit a memorandum, specifically listing the numbers of the missing citations, to their Sergeant.
- b. Upon review and acceptance of the memorandum by the Sergeant, it will be forwarded to the Records Section Manager for retention.

5. VOIDING OF CITATIONS:

- a. Citations may be voided only if mistakes are made on the citation or if damaged prior to being issued to a driver.
- b. The issuing officer's supervisor shall review the circumstances in all cases where a citation is voided.
- c. If an error is made while writing a citation (e.g. wrong name, address, statute number, etc.), or if citations have become damaged due to rain, separation, technical malfunction, etc., and the citation has not yet been issued to a driver, the citation may be administratively voided by the officer.

- d. The officer shall print "void" across the citation and a concise justification for the voiding, sign the justification statement and submit the citation, along with any copies, to his or her supervisor. The supervisor will verify the reason for voiding the citation, sign under the officer's signature and forward the voided citation and any copies to the Records Section Manager for tracking purposes. The number of the replacement citation, if applicable, shall also be indicated on the voided citation.
- e. Once a citation has been issued to a driver, it may not be voided; it may only be dismissed through the court system. Any officer wishing to dismiss a citation that has been issued to a driver shall submit a memorandum via the chain of command to his or her Assistant Chief requesting permission to do so and providing the reason(s) for dismissing the citation. Upon approval of the Assistant Chief, the officer shall follow any required procedures of the Court having jurisdiction. Dismissal of criminal citations also requires the consent of the State Attorney's Office.
- f. City parking citations involving handicapped parking violations may be administratively voided if the driver presents proof of having a valid handicapped permit at the time of the violation. A copy of the proof shall be obtained and maintained with the voided parking citation.

6. MISCELLANEOUS PROVISIONS:

- a. Audits of citations are conducted by the Traffic Citations Bureau of the State of Florida Department of Highway Safety and Motor Vehicles (DHSMV) at random times established by DHSMV.
- b. The Traffic Sergeant or designee will provide tracking of citations books.

INDEX AS:

- **TRAFFIC RELATED CITATIONS**
- **ELECTRONIC CITATIONS**

RESPONSIBILITY INDEX

- **ASSISTANT CHIEFS**
- **BUREAU MAJORS**
- **TRAFFIC SERGEANT**
- **PATROL SERGEANTS**
- **OFFICERS**
- **RECORDS SECTION MANAGER**

DRAFTED: WB\SDD / 09-26-12 FILED: 4.2.3.3.pdf

APPROVED:



Stephen J. Stepp
Chief of Police

09/28/12
Date